IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5095 OF 2004

Prakash H.Mahtani ..Applicant

Vs.

State of Maharashtra & Anr. ..Respondents

...

Mr.R.Satyanarayan for applicant
Mr.M.K.Kocharekar for Respondent no.2.
Mr.Y.S.Shinde, A.P.P. for State

...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : JUNE 9, 2005

P.C.

1. Not on board. Since the connected matter is on board taken on board. Heard the learned advocates for the applicant and respondents.

2. The applicant is seeking quashing of process issued under Section 138 of N.I.Act in C.C.No. 1757/S/2003 by the learned Metropolitan Magistrate, 16th Court, Ballard Estate, Mumbai.

3. For the reasons recorded in my order dated 8th June, 2005 in Cri.Application No. 645 of 2005, in my view, it is clear that the applicant has remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicant prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer the necessary revision before the concerned Sessions Court.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Application is disposed of.

[V.K.TAHILRAMANI,J]